

Article - Health - General

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§5–615.

(a) In this section, “health care facility” has the meaning stated in § 19–114 of this article.

(b) Each health care facility shall provide each individual on admittance to the facility information concerning the rights of the individual to make decisions concerning health care, including the right to accept or refuse treatment, and the right to make an advance directive, including a living will.

(c) (1) The Department, in consultation with the Office of the Attorney General, shall develop an information sheet that provides information relating to advance directives, which shall include:

(i) Written statements informing an individual that an advance directive:

1. Is a useful, legal, and well established way for an individual to direct medical care;

2. Allows an individual to specify the medical care that the individual will receive and can alleviate conflict among family members and health care providers;

3. Can ensure that an individual’s religious beliefs are considered when directing medical care;

4. Is most effective if completed in consultation with family members, or legal and religious advisors, if an individual desires;

5. Can be revoked or changed at any time;

6. Is available in many forms, including model forms developed by religious organizations, estate planners, and lawyers;

7. Does not have to be on any specific form and can be personalized; and

8. If completed, should be copied for an individual’s family members, physicians, and legal advisors; and

(ii) The following written statements:

1. That an individual should discuss the appointment of a health care agent with the potential appointee;

2. That advance directives are for individuals of all ages;

3. That in the absence of an appointed health care agent, the next of kin make an individual's health care decisions when the individual is incapable of making those decisions; and

4. That an individual is not required to complete an advance directive.

(2) The information sheet developed by the Department under this subsection shall be provided by:

(i) The Department, in accordance with § 15–109.1 of this article;

(ii) The Motor Vehicle Administration, in accordance with § 12–303.1 of the Transportation Article;

(iii) A carrier, in accordance with § 15–122.1 of the Insurance Article; and

(iv) The Maryland Health Benefit Exchange, in accordance with § 31–108(g) of the Insurance Article.

(3) The information sheet developed by the Department under this subsection may not contain or promote a specific advance directive form or an electronic advance directive technology or service.

(4) The information sheet developed by the Department under this subsection at a minimum shall:

(i) Educate the public on the use of electronic advance directives;

(ii) Encourage the use of electronic advance directives;

(iii) Provide information about developing an electronic advance directive;

(iv) Describe how electronic advance directives are made available at the point of care;

(v) Indicate that the use of an electronic advance directive is not required; and

(vi) Indicate that individuals do not have to pay to have their electronic advance directives honored.

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